IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE
CRIMINAL BAIL APPLICATION NO.3445 OF 2004
IN
CRIMINAL APPEAL NO. 952 OF 2004

Shrihari Rajlingam Guntuka.
....Petitioner.
Vs.

State of Maharashtra.
....Respondent.

Mr. A. Majeed Memon and Parvez Memon for the Petitioner.

Mr. B.R. Patil, P.P. for the State.

CORAM: S.S.PARKAR &
R.S.MOHITE, JJ.

DATED: 17TH AUGUST,2004

P.C.

1. Heard.

2. The petitioner is convicted for the offence of murder. The complaint was lodged by the brother of the deceased immediately after the incident which took place in the night time. The complainant was an eye witness to the incident and was himself injured. Only because other eye witnesses did not support the prosecution at the time of trial, there is no reason to discard the complainant’s evidence as false. His evidence cannot also be discarded as an interested

witness because he is the brother of the deceased. Any way, the complaint was lodged immediately after the incident and there is also recovery of weapon at the instance of the accused.

3. The fact that the petitioner was on bail during the trial cannot be the ground for releasing him on bail after finding of guilt is recorded by the Trial Court against him. Hence, bail application is rejected. However, the hearing of the appeal is expedited.

(S.S.PARKAR, J.)

(R.S. MOHITE, J.)